

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT E. LEE,

Plaintiff,

v.

Case Number 11-10179

Honorable David M. Lawson

Magistrate Judge Virginia M. Morgan

HENRY FORD COMMUNITY COLLEGE,
and VANESSA TIMMONS,

Defendants.

ORDER DENYING MOTION FOR RECONSIDERATION AND
DENYING MOTION TO AMEND COMPLAINT

This matter is before the Court on the plaintiff's motion for reconsideration of the Court's May 31, 2011 opinion and order overruling plaintiff's objections to Report and Recommendation, adopting the Report and Recommendation, and dismissing the case. The plaintiff now argues that his First Amendment rights were violated and that he was discriminated against in violation of the Americans with Disabilities Act. The plaintiff also argues that he is "entitled to . . . relief [because] I have been conspiracy against me to do harm stop my education and stop me from having proper medical care by conspiracy against me to do harm, lie on me, and put me in a mental institution." Mot. at 9.

Motions for reconsideration may be granted pursuant to E.D. Mich. LR 7.1(h)(1) when the moving party shows (1) a "palpable defect," (2) that misled the court and the parties, and (3) that correcting the defect will result in a different disposition of the case. E.D. Mich. LR 7.1(h)(3). A "palpable defect" is a defect which is obvious, clear, unmistakable, manifest, or plain. *Mich. Dep't of Treasury v. Michalec*, 181 F. Supp. 2d 731, 734 (E.D. Mich. 2002) (citations omitted). The

petitioner has not presented any evidence of a palpable defect that misled the Court. In fact, the plaintiff's motion does not address whether the plaintiff's original complaint contained sufficient allegations to provide a basis for federal jurisdiction. The plaintiff's motion is dedicated to identifying new claims that were not included in the complaint. Because the plaintiff has failed to identify a palpable defect that misled the Court, the plaintiff's motion for reconsideration will be denied. Additionally, the plaintiff's motion to amend his complaint will be denied as moot.

Accordingly, it is **ORDERED** the plaintiff's motion for reconsideration [dkt. #11] is **DENIED**.

It is further **ORDERED** that the plaintiff's motion to amend his complaint [dkt. #11] is **DENIED as moot**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: June 23, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 23, 2011.

s/Deborah R. Tofil
DEBORAH R. TOFIL